

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: Robert Brown  
Title: SWEET CHERRY TREE NAMED 'BROWN'  
Filed: *Concurrently Herewith*  
Docket: VW1.P01

**DECLARATION AND POWER OF ATTORNEY**

I, Robert Brown, declare that:

My address is Blair Slack Road, Wenatchee, WA 98801, and I am a resident and citizen of the United States of America.

I have reviewed and understand the contents of the foregoing specification, including the claims, and I believe I am the original, sole and first inventor of the plant that is the subject of the plant patent application entitled "SWEET CHERRY TREE NAMED 'BROWN'" filed concurrently herewith.

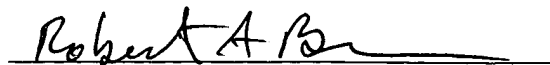
I have asexually reproduced the new and distinct variety. The new and distinct variety was found in a cultivated area.

I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with 37 C.F.R. § 1.56(a).

**Power of Attorney**

I hereby appoint MICHELLE BOS, Registration No. 45,499 and CHRIS E. SVENDSEN, Registration No. 40,193 of the law firm of STRATTON BALLEW PLLC, 213 South 12th Avenue, Yakima, Washington 98902, as my attorneys and agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Please direct all telephone calls to Michelle Bos at (509) 453-1319 and facsimiles to (509) 453-4704.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

  
ROBERT BROWN

11-28-03  
DATE

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**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. §§ 1.9(f) AND 1.27(b)) -- INDEPENDENT INVENTOR**

As the below-named inventor, I declare that I qualify as an independent inventor as defined in 37 C.F.R. § 1.9(c) for purposes of paying reduced fees under 35 U.S.C. §§ 41(a) and 41(b) with regard to the invention entitled SWEET CHERRY TREE NAMED 'BROWN' as described in the application filed concurrently herewith.

I have not assigned, granted, conveyed or licensed, and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. § 1.9(c) if that person had made the invention or to any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

  
ROBERT BROWN

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DATE